

**MINUTES OF THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**

Jon Arnold Woodard v. John Craig Turnbull

Case No. 3:05-cv-0089 TMB

By: THE HONORABLE TIMOTHY M. BURGESS

PROCEEDINGS: ORDER FROM CHAMBERS

At Docket 50, respondent Turnbull moved to dismiss claims two, four, five, six, eight, ten, eleven and twelve of petitioner Woodard's *habeas corpus* petition. Woodard opposed that motion at Docket 69. Magistrate Judge John Roberts filed an Initial Report and Recommendation at Docket 75. The parties filed objections to the Initial Report and Recommendation. A Final Report and Recommendation then issued at Docket 90.

All recommended findings of fact to which an objection is taken and all recommended conclusions of law are reviewed by this court *de novo*, and all recommended findings of fact as to which there is no objection are reviewed for clear error. Having applied this standard, the court concludes that the magistrate judge's final recommended findings of fact and conclusions of law are correct in every material respect. Accordingly, Magistrate Judge Robert's Report and Recommendation dated August 16, 2007 [Docket 90] is **ADOPTED IN FULL**.

The respondent's motion to dismiss for failure to exhaust at Docket 50 is **GRANTED in part and DENIED in part**. Specifically, the motion is **GRANTED** as grounds six, seven and twelve. The motion is **DENIED** in regard to grounds two, four, five, eight and ten. The claims in ground eleven concerning the Fourth Amendment and grand jury proceedings are **DISMISSED**, and the other remaining claims shall be litigated on their merits.

IT IS SO ORDERED.

Entered at the direction of the Honorable Timothy M. Burgess, United States District Judge.

DATE: August 28, 2007.